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Docket No.: AT000040
Customer No. 000024737

REMARKS

By this amendment, claims 2-5 and 7 have been cancelled. Claims 1, 6 and 9 have been amended. Claims 1, 6 and 8-9 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, withdrawal of the final action, and allowance of the application, as amended, is respectfully requested.

Specification

On the Office Action Summary page of the Final Action, item 9 is checked, indicating that the specification is objected to by the Examiner. In addition, on page 2 of the detailed action, in paragraph 2, under Response to Amendment, there is stated "- The specification was changed as indicated and the objections are withdrawn." Applicant assumes that the check mark on item 9 of the Office Action Summary page is in error, since no reason for the objection to the specification can be found in the office action. Accordingly, Applicant respectfully requests the Examiner to clarify whether any issues remain regarding objections to the specification, and if so, applicant will address them accordingly.

Rejection under 35 U.S.C. § 103

Claim 1

Claim 1 recites a recording apparatus for recording speech information of a dictation and for subsequent transfer of the recorded speech information to a speech recognition device for off-line speech recognition, said apparatus comprising: receiving means for receiving the speech information of the dictation; recording means for recording the received speech information of the dictation during a recording mode of the recording apparatus; transfer means for transferring recorded speech information of the dictation to the speech recognition device during a transfer mode of the recording apparatus, which speech recognition device is arranged for off-line speech recognition

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and for recognizing text information to be assigned to the transferred speech information, the quality of the recognized text information depending on the quality of the received speech information; speech quality test means for testing whether a quality of the speech information received during the recording mode is sufficient for obtaining a predefined quality of the recognized text information in response to the speech recognition device processing the speech information transferred by the transfer means in the transfer mode, wherein the speech quality test means continuously tests (i) a signal-to-noise ratio of the received speech signal, (ii) a level of the received speech signal, and (iii) a velocity of speech in the received speech signal during the recording mode, and wherein the speech quality test means outputs a quality information signal during the recording mode as a function of testing the corresponding signal-to-noise ratio of the received speech signal, the level of the received speech signal, and the velocity of speech in the received speech signal; and feedback means responsive to the quality information signal during the recording mode for transferring feedback information immediately during the recording mode, wherein the feedback information represents at least one of an immediate corrective measure and an immediate result of the corresponding quality test of the speech quality test means.

Claim 9 recites a recording apparatus for recording speech information of a dictation and for subsequent transfer of the recorded speech information to a speech recognition device for off-line speech recognition, said apparatus comprising: means for receiving the speech information of the dictation; means for recording the received speech information of the dictation during a recording mode of the recording apparatus; means for transferring recorded speech information of the dictation to the speech recognition device during a transfer mode of the recording apparatus, wherein the speech recognition device is arranged for off-line speech recognition and for recognizing text information to be assigned to the transferred speech information, and wherein a quality of the recognized text information depends on a quality of the

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received speech information; speech quality test means for continuously testing whether a quality of the speech information received during the recording mode is sufficient for obtaining a predefined quality of the recognized text information in response to the speech recognition device processing the speech information transferred by the transfer means in the transfer mode, the speech quality test means continuously determining (i) a signal-to-noise ratio of the received speech signal, (ii) a signal level of the received speech signal, and (iii) a speech velocity of words in the received speech signal during the recording mode; and feedback means responsive to quality information of the speech quality test means during the recording mode for transferring feedback information immediately during the recording mode, wherein responsive to one of determining a signal-to-noise ratio below a signal-to-noise threshold amount, determining a signal level below a signal level threshold amount, and determining a speech velocity above a speech velocity threshold amount, the speech quality test means provides quality information to the feedback means, further wherein the feedback information represents an immediate quality result of the quality test of the speech quality test means and provides an immediate indication how the quality of the received speech information can be improved.

Claims 1 and 5-7 (and 9) are rejected under 35 U.S.C. § 103(a) as being unpatentable over Comerford et al (U.S. Patent No. 5,243,149 A), in view of Brooks et al (U.S. Patent No. 6,477,493 B1) and further in view of Bartosik (U.S. Patent 6,662,156 B2). With respect to claims 5 and 7, the same has been cancelled herein, thus rendering the rejection thereof moot.

Applicant traverses this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness with respect to claim 1.

As the PTO recognizes in MPEP § 2142:

... The examiner bears the initial burden of factually supporting any prima

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facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...

It is submitted that, in the present case, the examiner has not factually supported a prima facie case of obviousness for at least the following, mutually exclusive, reason.

Even When Combined, the References Do Not Teach the Claimed Subject Matter

The Comerford et al, Brooks et al, and Bartosik patents cannot be applied to reject claim 1 under 35 U.S.C. § 103 which provides that:

A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ...
(Emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, since neither Comerford et al, Brooks et al, nor Bartosik teaches a specific speech quality test means for testing whether a quality of the speech information received during the recording mode is sufficient for obtaining a predefined quality of the recognized text information in response to the off-line speech recognition device processing the speech information transferred by a transfer means in the transfer mode, wherein the speech quality test means continuously tests:

- (i) a *signal-to-noise ratio* of the received speech signal,
- (ii) a *level* of the received speech signal, *and*
- (iii) a *velocity* of speech in the received speech signal during the recording mode,

and

wherein the speech quality test means outputs a quality information signal during the recording mode as a function of testing:

- (a) the corresponding signal-to-noise ratio of the received speech signal,

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- (b) the level of the received speech signal, **and**
(c) the velocity of speech in the received speech signal;
and

feedback means responsive to the quality information signal during the recording mode for transferring feedback information immediately during the recording mode, wherein the feedback information represents at least one of:

(i) an immediate corrective measure and

(ii) an immediate result of the corresponding quality test of the speech quality test means as is claimed in claim 1, it is impossible to render the subject matter of claim 1 as a whole obvious, and the explicit terms of the statute cannot be met. In contrast, it is noted that Comerford *et al* discloses a notepad for capturing digitized stylus information and audio annotation to accompany the digitized stylus information.

However, Comerford *et al* does not teach a speech quality test means that continuously tests a (i) SNR of the received speech signal, (ii) a level of the received speech signal, and (iii) a velocity of speech in the received speech signal during the recording mode.

On the other hand, Brooks *et al* discloses a computer recognition system designed to enroll a user using an enrollment script to train a speech recognition system. However, Brooks *et al* does not teach a speech quality test means that continuously tests a (i) SNR of the received speech signal, (ii) a level of the received speech signal, and (iii) a velocity of speech in the received speech signal during the recording mode.

Furthermore, Bartosik discloses a speech detection device having multiple criteria to determine end of speech. While Bartosik does indicate determining a signal-to-noise ratio, Bartosik uses a signal-to-noise ratio to test for a switch-off criterion (i.e., an end of speech), whereby, a speech signal that is determined to have a poor signal-to-noise ratio is not applied to a speech recognition means. In contrast, Bartosik does not teach a speech quality test means that continuously tests simultaneously a (i) SNR of the received speech signal, (ii) a level of the received speech signal, **and** (iii) a velocity of speech in the received speech signal during the recording mode. Accordingly, the cited

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references do not disclose nor suggest all limitations of claim 1 as a whole.

Thus, for this mutually exclusive reason, the examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested.

Dependent claim 6 depends from and further limits independent claim 1 and therefore is allowable as well.

Claim 9 includes claim limitations similar to those of claim 1. Claim 9 is believed allowable for reasons stated herein above with respect to the allowability of claim 1. Accordingly, withdrawal of the 35 U.S.C. §103 is respectfully requested.

Claims 2-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Comerford *et al* in view of Brooks *et al*, and further in view of Polikaitis *et al* (EPO Patent GB 2,346,001A). With respect to claims 2-4, the same has been cancelled herein, thus rendering the rejection thereof moot.

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Comerford *et al* in view of Brooks *et al*, and further in view of Bartosik and further in view of Kopp *et al* (U.S. Patent 5,809,464 A). Applicant respectfully traverses this rejection for at least the following reasons. Claim 8 depends from allowable base claim 1. That is, dependent claim 8 depends from and further limits independent claim 1 and therefore is allowable as well.

Conclusion

It is clear from all of the foregoing that independent claim 1 and claim 9 are in condition for allowance. Dependent claims 6 and 8 depend from and further limit independent claim 1 and therefore are allowable as well.

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The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced.

Accordingly, withdrawal of the final action and an early formal notice of allowance of claims 1, 6, 8 and 9 is requested.

Respectfully submitted,

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